



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 2401809

Applicant Name: Ken Lyons for Cingular Wireless

Address of Proposal: 412 Bellevue Avenue E.

SUMMARY OF PROPOSED ACTION

Master Use Permit to install a New Minor Communication Utility (Cingular Wireless) consisting of two (2) screened antenna structures, each containing three (3) panel antennas and (2) two sectors) on the roof of an existing apartment building.

The following approvals are required:

Administrative Conditional Use - to allow a minor communication utility in a Midrise Multi-Family Residential Zone pursuant to Seattle Municipal Code (SMC) 23.57.011B.

SEPA - Environmental Determination pursuant to Seattle Municipal Code (SMC) 25.05.

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction.

BACKGROUND INFORMATION

Site and Vicinity Description

The proposal site is on the east side of Bellevue Avenue E. between E. Republican St. and E. Harrison St. in the Capitol Hill neighborhood of Seattle. The property has a total lot area of 7,200 square feet. The subject site has a 60-feet of street frontage along Bellevue Avenue E. and is 120-feet deep. Bellevue Avenue E. is a two lane paved street with sidewalks, curbs and gutters. There is a 16-foot paved alley adjacent to the east property line of the site. There is an existing three-story apartment building on-site with parking under the structure.

The site and surrounding area are zoned Midrise (MR) with a 60-foot height restriction. The development in the area is predominately residential in the form of apartment buildings. There is little commercial use in the surrounding neighborhood.

The apartment building is 39'-9" in height measured from existing grade to the roof parapet plus an additional 4'-1" from roof parapet to the top of the existing mechanical penthouse with an overall height of 43'-10" well below the height limit of 60-feet allowed for structures in the zone.

Currently, there are no minor communication utilities on this site

Surrounding Zoning and Uses

South: Multi-Family/Residential MR zone; apartment structures

North: Multi-Family Residential, MR zone; apartment structures

East: Multi-Family Residential, MR zone; apartment structures

West: MR zone, Highway I-5

Proposal Description

The proposed project consists of the installation of a minor communication facility for Cingular Wireless. The facility will consist of three (3) sector antenna arrays ("1", "2" and "3") with two antennas per sector (six antennas total) screened inside two new ventilation stacks. The antennas project 13'-3" above the roof of the existing residential building. Each sector antenna array will be enclosed within fiberglass shrouds to resemble a vent stack constructed 13'-3" above the roof and attached to the roof decking. One screened antenna structure will be located 20'-10" from the west parapet façade wall and 21'-3" from the north parapet façade wall and the other screened antenna structure will be located approximately 30' from the south parapet façade wall and approximately 37' from the west parapet façade wall. The equipment cabinet will be placed inside the existing room on the first floor (basement). All associated cabling will be located in cable trays affixed atop the roof and routed along the north exterior wall of the apartment building to the equipment cabinet located in the building. The antennas, cabling tray and fiberglass shrouds will be painted and constructed to match the appearance of the building.

The overall height of the two antenna structures will extend to 53-feet from existing grade which is 7 feet less than the maximum height limit of 60 feet for the zone.

Public Comments

The public comment period for this project ended July 28th, 2004. DPD received three written comment for this proposal. The neighbors expressed concerns regarding the effect of the minor communication utility on TV, Radio and other electronic devices and also the "appropriateness" of this particular location.

ADMINISTRATIVE CONDITIONAL USE CRITERIA AND ANALYSIS

Seattle Municipal Code (SMC) 23.57.011B provides that a minor communication utility, as regulated pursuant to SMC 23.57.002, may be permitted in a Midrise zone as an Administrative Conditional Use when they meet the development standards of SMC 23.57.011C and the following criteria, as applicable.

- 1. The project shall not be substantially detrimental to the residential character of nearby residentially zoned areas, and the facility and the location proposed shall be the least intrusive facility at the least intrusive location consistent with effectively providing service. In considering detrimental impacts and the degree of intrusiveness, the impacts considered shall include but not be limited to visual, noise, compatibility with uses allowed in the zone, traffic, and the displacement of residential dwelling units.*

The proposed antennas will be located on the rooftop of a residential building that is located in the Midrise zone. According to the plans, both the antennas and the related equipment will conform to codified development standards, visual impacts and design standards of SMC 23.57.011 and 23.57.016. The antennas will be screened by materials and colors consistent with the current exterior of the building. The radio equipment will be located within the basement of the apartment building.

The proposed minor communication utility is not likely to be substantially detrimental to the residential character of the residentially zoned area, and the location of the panel antennas are the least visually intrusive location consistent with effectively providing service and minimizing impacts to the existing neighborhood. Neighbors and tenants of the host building will not likely know the facility exists, in terms of its land use, once it is constructed, and cell phone coverage in the area will be improved, which will be beneficial to users in the neighborhood.

Traffic will not be affected by the presence of the constructed facility. The antennas will not emit noise. According to the applicant, any noise associated with the equipment cabinets are estimated to be below the ambient levels allowed in the Midrise zone and will be shielded by the walls of the equipment shelter in which they are to be located. Thereafter, it is proposed that minimal noise will be associated with approximately one vehicle trip per month to the site for maintenance. No

dwelling units will be displaced in conjunction with this application. Thus, the proposal will not be substantially detrimental to the residential character of nearby residentially zoned areas.

2. *The visual impacts that are addressed in section 23.57.016 shall be mitigated to the greatest extent practicable.*

Subsection C of SMC 23.57.016 states, "...Facilities in a separate screened enclosure shall be located near the center of the roof, if technically feasible. Facilities not in a separate screened enclosure shall be mounted flat against existing stair and elevator penthouses or mechanical equipment enclosures and shall be no taller than such structures." Subsection F of this same section further state, "New antennas shall be consolidated with existing antennas and mechanical equipment unless the new antennas can be better obscured or integrated with the design of other parts of the building".

According to the plans submitted, all three sector antenna arrays will be enclosed in fiberglass shrouds that extend all the way down to the rooftop and painted to match the existing building. The antenna structures have been placed in the west 45' of the buildings structure which is adjacent to the alley. This design was selected to reduce the overall visual impacts. Technical documentation was provided by a Cingular Wireless RF engineer substantiating the proposed design. Therefore, the proposal complies with this criterion.

3. *Within a Major Institution Overlay District, a Major Institution may locate a minor communication utility or an accessory communication device, either of which may be larger than permitted by the underlying zone, when:*
 - a.) *the antenna is at least one hundred feet (100') from a MIO boundary, and*
 - b.) *the antenna is substantially screened from the surrounding neighborhood's view.*

The proposed site is not located within a Major Institution Overlay District. Therefore, this criterion does not apply to the subject proposal.

4. *If the minor communication utility is proposed to exceed the zone height limit, the applicant shall demonstrate that the requested height is the minimum necessary for the effective functioning of the minor communication utility.*

The existing apartment building and proposed antenna structures are within 53' of existing grade and is well below the maximum 60' height limit for the zone.

5. *If the proposed minor communication utility is proposed to be a new freestanding transmission tower, the applicant shall demonstrate that it is not technically feasible for the proposed facility to be on another existing transmission tower or on an existing building in a manner that meets the applicable development standards. The location of a facility on a building on an alternative site or sites, including construction of a network that consists of a greater number of smaller less obtrusive utilities, shall be considered.*

The proposed minor communication utility will not be a new freestanding transmission tower. Therefore, this criterion does not apply to the subject proposal.

SUMMARY

The proposed project is consistent with the Administrative Conditional Use criteria of the City of Seattle Municipal Code as it applies to wireless communication utilities. The facility is minor in nature and will not be detrimental to the surrounding area while providing needed and beneficial wireless communications service to the area.

The proposed project will not require the expansion of public facilities and services for its construction, operation and maintenance. The site will be unmanned and therefore will not require waste treatments, water or management of hazardous materials. Once installation of the facility has been completed, approximately one visit per month would occur for routine maintenance. No other traffic would be associated with the project.

DECISION - ADMINISTRATIVE CONDITIONAL USE

The Conditional Use application is **CONDITIONALLY APPROVED** as noted below.

SEPA ANALYSIS

The initial disclosure of the potential impacts from this project was made in the environmental checklist dated June 18th, 2004. The information in the checklist, applicant's statement of Federal Communication Commission Compliance, supplemental information and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

Many environmental concerns have been addressed in the City's codes and regulations. The SEPA Overview Policy (SMC 25.05.665) discusses the relationship between the City's code/policies and environmental review. The Overview Policy states, in part, "*Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulation are adequate to achieve sufficient mitigation*" subject to some limitations. It may be appropriate to deny or mitigate a project based on adverse environmental impacts in certain circumstances as discussed in SMC 25.05.665 D1-7. In consideration of these policies, a more detailed discussion of some of the potential impacts is appropriate.

Short - Term Impacts

The following temporary or construction-related impacts are expected; decreased air quality due to suspended particulate from building activities and hydrocarbon emissions from construction vehicles and equipment; increased traffic and demand for parking from construction equipment and personnel; consumption of renewable and non-renewable resources. These impacts are expected to be very minor in scope and of very short duration considering the installation process. No conditioning pursuant to SEPA is warranted.

Construction and Noise Impacts

Codes and development regulations applicable to this proposal will provide sufficient mitigation for most impacts. The initial installation of the antennas and construction of the equipment room may include loud construction equipment and activities. This construction activity may have an adverse impact on nearby residences. Due to the close proximity of nearby residences, the Department finds that the limitations of the Noise Ordinance are inadequate to appropriately mitigate the adverse noise impacts associated with the proposal. The SEPA Construction Impact policies, (SMC 25.05.675.B) allow the Director to limit the hours of construction to mitigate adverse noise and other construction-related impacts. Therefore, the proposal is conditioned to limit construction activity to non-holiday weekday hours between 7:30 a.m. and 6:00 p.m. Other

Construction times may be allowed upon approval of a Construction Noise Mitigation Plan.

Long - Term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal, namely increases in demand for energy and increased generation of electromagnetic radiation emission. These long-term impacts are not considered significant or of sufficient adversity to warrant mitigation. However, due to the widespread public concerns expressed about electromagnetic radiation, this impact is further discussed below.

The Federal Communications Commission (FCC) has been given exclusive jurisdiction to regulate wireless facilities based on the effects of electromagnetic radiation emissions. The FCC, the City and County have adopted standards addressing maximum permissible exposure (MPE) limits for these facilities to ensure the health and safety of the general public. The Seattle-King County Department of Public Health has reviewed hundreds of these sites and found that the exposures fall well below all the maximum permissible exposure (MPE) limits. The Department of Public Health does not believe these utilities to be a threat to public health.

The City is not aware of interference complaints from the operation of other installations from persons operating electronic equipment, including sensitive medical devices (e.g. - pacemakers). The Land Use Code (SMC 23.57.012C2) requires that warning signs be posted at every point of access to the antennas noting the presence of electromagnetic radiation. In the event that any interference were to result from this proposal in nearby homes and businesses or in clinical medical applications, the FCC has authority to require the facility to cease operation until the issue is resolved.

The information discussed above, review of literature regarding these facilities, and the experience of the Departments of Planning and Development and Public Health with the review of similar projects form the basis for this analysis and decision. The Department concludes that no mitigation for electromagnetic radiation emission impacts pursuant to SEPA policies is warranted.

Other long term impacts such as height, bulk and scale, traffic, and air quality are minor and adequately mitigated by the City's existing codes and ordinances. Provided that the proposal is constructed according to approved plans, no further mitigation pursuant to SEPA is warranted.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

ADMINISTRATIVE CONDITIONAL USE CONDITIONS

For the Life of the Permit

1. Screening shall be integrated with architectural design, material, shape and color of the existing building. For instance the shroud should extend all of the way down to the roof deck.
2. Screening for cabling and all associated equipment shall be integrated with the architectural design, material, shape and color of the existing building.

CONDITIONS - SEPA

During Construction

The following condition to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

1. In order to further mitigate the noise impacts during construction, the hours of construction activity shall be limited to non-holiday weekdays between the hours of 7:30 a.m. and 6:00 p.m. This condition may be modified by DPD to allow work of an emergency nature or allow low

noise interior work. This condition may also be modified to permit low noise exterior work after approval of a Construction Noise Mitigation Plan reviewed by the Land Use Planner.

Signature: _____ (signature on file) Date: October 11, 2004

Joan S. Carson, Land Use Planner II
Department of Planning and Development
Land Use Services

JC: bg

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